



MEMORANDUM

UNITED STATES GOVERNMENT

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Date: April 28, 1995

To: William F. Caton
Acting Secretary

From: Bruce A. Romano *BAR*
Deputy Chief, Policy and Rules Division
Mass Media Bureau

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Subject: MM Docket No. 94-123, Review of the Prime Time Access Rule

Please include in the docket record for the referenced rulemaking proceeding the attached memorandum dated 7 February 1992 from Robert Pepper, Chief of the Office of Plans and Policy to the Chairman and Commissioners, concerning the Prime Time Access Rule, which provides data on television programs used in Markets 51-75, and which has been redacted to exclude staff opinions on the subject data and related issues.

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MEMORANDUM

2.

DATE: 7 February 1992

TO: Chairman
Commissioners

FROM: Robert Pepper *RPP*

RE: Prime Time Access Rule

Analysis

If affiliates are more likely to broadcast off-network programming where it is permitted, then it could be argued that the restriction is still necessary. If, on the other hand, affiliates are found to be as likely to broadcast first-run as off-network programs, one could conclude that first-run programs are vigorous competitors and do not need protection.

- Of the 75 available program slots [3 (networks) x 25 (markets)] during the "access" half-hour immediately preceding prime time, only 24 percent are filled with off-network programming. The number rises to only 35 percent if "off-Fox" programs are included in "off-network." Thus, when given a choice, network affiliates filled 65 percent of available program slots with first-run product.
- Although most discussion focuses on the "access" period, the off-network restriction also applies to the other ("pre-access") half-hour of non-network prime time. Thus, there are an additional 75 slots to fill. Of these, only 11 percent are off-network programs (including off-Fox), 88 percent are first-run (including half local news), and one is filled by a network newscast which is exempt from PTAR. All of the news programs occur in the Central and Mountain time zones where the "pre-access" half-hour is from 6:00-6:30 p.m.
- When looking at the 150 available "access" and "pre-access" slots, network affiliates in markets 51-75 choose first-run programs 77 percent of the time.

Sources of Access Period Programming, Markets 51-75

Three Major Networks

	Access	Pre-Access	Total Access Hour Programs
Off-network	18	7	25
Off-Fox	8	1	9
First-Run	49	66	115
of which			
local news	0	34	34
Network	0	1	1
Total	75	75	150

Source: Arbitron, November 1991 sweeps

Notes: Twelve of the 25 markets are in the Central or Mountain time zones, in which the access period is 6:30-7:00 P.M. and the pre-access period is 6:00-6:30 P.M. All of the local news programming listed in the table is from these markets. For the other 13 markets, the access period is 7:30-8:00 P.M. and the pre-access period is 7:00-7:30 P.M. There are two markets tied for 75th in the Arbitron rankings, but data for Richmond, market 60, are not yet available.

PRIME TIME ACCESS PROGRAMS IN MARKETS 51-75 (November 1991)

Market	Station	Access Time			Pre-Access Time		
		Program	Rating	Share	Program	Rating	Share
51. Albany-Schenectady-Troy	WTEN (A)	Jeopardy	18	32	Wheel of Fortune	16	28
	WRGB (C)	Current Affair	12	21	CBS News	11	20
	WNYT (N)	Married w Children	7	12	Ent. Tonight	9	16
52. Albuquerque	KOAT (A)	Ent. Tonight	15	28	News 7	20	36
	KGGM (C)	Now It Can Be Told	3	6	News 13	7	13
	KOB (N)	Wheel of Fortune	18	33	News 4	13	23
53. Dayton	WDTN (A)	Cheers	11	20	Candid Camera	7	13
	WHIO (C)	Ent. Tonight	13	25	Wheel of Fortune	17	32
	WKEF (N)	Family Feud	5	9	Current Affair	5	10
54. Jacksonville	WJKS (A)	Golden Girls	9	15	Current Affair	8	13
	WJXT (C)	Ent. Tonight	13	22	Inside Edition	14	24
	WTLV (N)	Jeopardy	17	28	Wheel of Fortune	17	29
55. Charleston-Huntington	WCHS (A)	Married w Children	10	16	Candid Camera	7	12
	WOWK (C)	Family Feud	10	16	Ent. Tonight	7	12
	WSAZ (N)	Jeopardy	20	32	Wheel of Fortune	23	38
56. Flint-Saginaw-Bay City	WJRT (A)	Wheel of Fortune	15	26	Jeopardy	14	26
	WEYI (C)	Golden Girls	7	12	Family Feud	8	15
	WNEM (N)	Cosby Show	13	23	Night Court	11	20
57. Little Rock	KATV (A)	Wheel of Fortune	22	23	News	22	32
	KTHV (C)	Current Affair	15	22	News	10	14
	KARK (N)	Cosby Show	14	22	News	21	30
58. Tulsa	KTUL (A)	Wheel of Fortune	20	35	News	17	30
	KUTV (C)	Ent. Tonight	12	20	News	14	25
	KJRH (N)	Current Affair	8	14	News	7	13
59. Fresno-Visalia	KFSN (A)	Ent. Tonight	12	21	Wheel of Fortune	14	24
	KJEO (C)	Hard Copy	10	16	Inside Edition	9	15
	KSEE (N)	Married w Children	8	14	Studs	7	12
61. Wichita-Hutchinson	KAKE (A)	Ent. Tonight	9	15	News	7	13
	KWCH (C)	Wheel of Fortune	20	36	News	15	29
	KSNW (N)	Cosby Show	9	17	News	12	23
62. Knoxville	WATE (A)	Cosby Show	10	17	Who's the Box	10	18
	WIXT (C)	Golden Girls	12	21	Married w Children	9	15
	WBIR (N)	Cheers	11	19	Wheel of Fortune	17	30
63. Mobile-Pensacola	WEAR (A)	Current Affair	11	17	News	17	26
	WKRQ (C)	Ent. Tonight	11	18	News	17	27
	WALA (N)	Wheel of Fortune	23	35	News	14	21
64. Toledo, OH	WNWO (A)	Family Feud	6	11	Mash	5	9
	WTOL (C)	Jeopardy	16	31	Wheel of Fortune	16	32
	WTVG (N)	Current Affair	12	23	Ent. Tonight	12	23

PRIME TIME ACCESS PROGRAMS IN MARKETS 51-75 (November 1991)

65. Roanoke-Lynchburg	WSET (A)	Family Feud	9	16	Ent. Tonight	8	14
	WDBJ (C)	Jeopardy	19	33	Wheel of Fortune	17	31
	WSLS (N)	Married w Children	10	17	Current Affair	11	20
66. Syracuse	WIXT (A)	Jeopardy	19	34	Wheel of Fortune	16	30
	WTVH (C)	Married w Children	11	20	Current Affair	12	21
	WSTM (N)	Ent. Tonight	10	17	Inside Edition	6	12
67. Green Bay-Appleton	WFRV (A)	Wheel of Fortune	19	34	News	15	27
	WBAY (C)	Cosby Show	11	20	News	14	26
	WLUK (N)	Ent. Tonight	11	29	News	11	19
68. Austin, TX	KVUE (A)	Golden Girls	11	22	News	13	26
	KTBC (C)	Cosby Show	10	20	News	13	25
	KXAN (N)	Wheel of Fortune	11	22	News	9	17
69. Portland-Poland Springs	WMTW (A)	Jeopardy	15	27	Wheel of Fortune	15	27
	WGME (C)	Inside Edition	9	16	Ent. Tonight	10	17
	WCSH (N)	Night Court	9	15	Cosby Show	8	14
70. Des Moines	WOI (A)	Cheers	9	15	Candid Camera	4	6
	KCCI (C)	Golden Girls	16	27	News	24	39
	WHO (N)	Wheel of Fortune	21	35	News	19	30
71. Shreveport-Texarkana	KTBS (A)	Wheel of Fortune	21	33	News	17	27
	KSLA (C)	Inside Edition	17	27	News	16	24
	KTAL (N)	Married w Children	10	15	News	12	19
72. Rochester, NY	WOKR (A)	Jeopardy	16	29	Wheel of Fortune	15	28
	WROC (C)	Golden Girls	7	13	Ent. Tonight	7	13
	WHEC (N)	Married w Children	9	16	Cheers	11	20
73. Omaha	KETV (A)	Golden Girls	12	21	News	12	21
	KMTV (C)	Wheel of Fortune	17	30	News	12	22
	WOWT (N)	Ent. Tonight	9	15	News	10	18
74. Lexington, KY	WTVQ (A)	Family Feud	10	18	Current Affair	9	16
	WKYT (C)	Jeopardy	13	23	Wheel of Fortune	16	29
	WLEX (N)	Cosby Show	9	16	Golden Girls	8	14
75. Springfield-Decatur-Champaign	WAND (A)	Married w Children	8	15	News	9	15
	WCIA (C)	Ent. Tonight	14	25	News	17	30
	WICS (N)	Wheel of Fortune	16	28	News	14	25
75. Paducah-Cape Girardeau-Harrisburg-Marian	WSIL (A)	Ent. Tonight	7	12	Cheers	5	9
	KFVS (C)	Wheel of Fortune	23	29	News	20	34
	WPSD (N)	Cosby Show	13	22	News	18	30